

# United States District Court

DISTRICT OF

Massachusetts

**PLAINTIFF**

Joseph A. Kinsella, As Administrator And Personal Representative Of The  
Estate of Katherine Kinsella, And Joseph A. Kinsella, Individually,  
And On Behalf Of All Distributees Of Katherine Kinsella,  
Deceased

**THIRD PARTY SUMMONS IN A  
CIVIL ACTION****V. DEFENDANT AND THIRD PARTY PLAINTIFF**

Wyman Charter Corp., Michael P. Wyman, Joseph Shore, Cord Shore, Carylyn Shore,  
Toad Hall Corp., Ian McColgin, The Motor Vessel "Sea Genie II," Her Engines,  
Tackle And Appurtenances, In Rem, and The Sailing Vessel  
"GRANUAILE," Her Engines, Tackle And Appurtenances, In Rem

**CASE NUMBER:** 04-11615-NMG**V. THIRD PARTY DEFENDANT**

Rory Vandamme and  
Martin Mahon

**TO: (Name and address of Third Party defendant)**

Martin Mahon  
Ardamine, Courtown, Gorye, Wexford  
Republic of Ireland

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this court and serve upon**PLAINTIFF'S ATTORNEY (name and address)**

Andrew V. Bucshbaum, Esq.  
Friedman & James LLP  
132 Nassau Street  
New York, NY 10038

**DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(name and address)**

Paul G. Boylan, Esq.  
Kevin G. Kenneally, Esq.  
Matthew P. Sgro, Esq.  
Donovan Hatem LLP  
Two Seaport Lane  
Boston, MA 02210

an answer to the third-party complaint which is herewith served upon you within 20 days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

**SARAH A. THORNTON**

CLERK

(BY) DEPUTY CLERK



10-5-05

|  |                                      |        |          |       |  |  |  |
|--|--------------------------------------|--------|----------|-------|--|--|--|
| <b>RETURN OF SERVICE</b>   |                                      |        |          |       |  |  |  |
| Service of the Summons and complaint was made by me <input checked="" type="checkbox"/>  | NAME OF SERVER <b>MARK BLACKWELL</b> |        |          |       |  |  |  |
| DATE <b>2 November 2005</b>  | TITLE <b>MR.</b>                     |        |          |       |  |  |  |
| Check one box below to indicate appropriate method of service  |                                      |        |          |       |  |  |  |
| <input checked="" type="checkbox"/> Served personally upon the third-party defendant. Place where served: <b>3739 Fitzwilliam Square</b>   |                                      |        |          |       |  |  |  |
| <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.   |                                      |        |          |       |  |  |  |
| <input type="checkbox"/> Name of person with whom the summons and complaint were left: _____   |                                      |        |          |       |  |  |  |
| <input type="checkbox"/> Returned unexecuted: _____  |                                      |        |          |       |  |  |  |
| <input type="checkbox"/> Other (specify): _____  |                                      |        |          |       |  |  |  |
| STATEMENT OF SERVICE FEES<br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">TRAVEL</td> <td style="width: 20%;">SERVICES</td> <td style="width: 20%;">TOTAL</td> </tr> <tr> <td colspan="3" style="height: 40px;"> </td> </tr> </table> |                                      | TRAVEL | SERVICES | TOTAL |  |  |  |
| TRAVEL   | SERVICES                             | TOTAL  |          |       |  |  |  |
|  |                                      |        |          |       |  |  |  |
| <b>DECLARATION OF SERVER</b><br>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.   |                                      |        |          |       |  |  |  |
| Executed on <b>4 November 2005</b>   | Date _____                           |        |          |       |  |  |  |
| Signature of Server <b>Mark Blackwell</b>  |                                      |        |          |       |  |  |  |
| Address of Server <b>William Dunboyne Co. Meath</b>  |                                      |        |          |       |  |  |  |